

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

Electronically Filed
Intermediate Court of Appeals
CAAP-18-0000584
17-MAY-2019
10:30 AM

NOS. CAAP-16-0000162 AND CAAP-16-0000163

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

CAAP-16-0000162

JASON HESTER, Overseer of the Office of Overseer,
a corporate sole and his successors, over/for the Popular
Assembly of Revitalize, a Gospel of Believers,
Plaintiff/Counterclaim Defendant/Appellee,

v.

LEONARD G. HOROWITZ and THE ROYAL BLOODLINE OF DAVID,
Defendants-Counterclaim-Plaintiffs/Appellants,

and

JACQUELINE LINDENBACH HOROWITZ,
Defendant/Counterclaim-Plaintiff/Appellee,

and

PHILIP MAISE, Intervenor-Appellee,

and

JOHN DOES 1-10, JANE DOES 1-10, DOE ENTITIES 1-10, DOE
PARTNERSHIPS 1-10, DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 05-1-0196)

CAAP-16-0000163

JASON HESTER, an individual,
Plaintiff/Counterclaim-Defendants/Appellee,

v.

LEONARD G. HOROWITZ, an individual and
SHERRI KANE, an individual
Defendants/Counterclaim-Plaintiffs/Appellants,

and

THE ROYAL BLOODLINE OF DAVID,
a Washington Corporation Sole,
Defendant/Appellant,

and

MEDICAL VERITAS INTERNATIONAL, INC., a California
non-profit corporation, JOHN DOES 1-10, JANE DOES 1-10,
DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10,
DOE ENTITIES 1-10 and DOE GOVERNMENTAL UNITS 1-10,

Defendants

Exhibit 2

Removal Exhibits pg. 22

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 14-1-0304)

CAAP-18-0000584

JASON HESTER, Petitioner-Appellee,
v.
LEONARD G. HOROWITZ, Respondent-Appellant

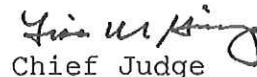
APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 17-1-0407)

ORDER DENYING THE MAY 12, 2019 MOTION FOR RECONSIDERATION
(By: Ginoza, Chief Judge, Fujise and Leonard, JJ.)

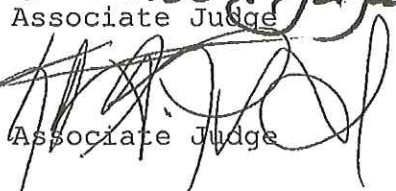
Upon consideration of (1) this court's Memorandum Opinion in these consolidated appeals, filed on May 2, 2019; (2) Appellant Leonard G. Horowitz's (Horowitz) "Appellant's Rule 40 Motion and Memorandum For Reconsideration (of the 'Memorandum Opinion' filed May 2, 2019)" (**Motion for Reconsideration**), filed on May 12, 2019, seeking reconsideration of the Memorandum Opinion; (3) the papers in support of the Motion for Reconsideration; and (4) the records and files in this case,

IT IS HEREBY ORDERED that Appellant Horowitz's Motion for Reconsideration is denied. However, an order of correction will be issued to correct a typographical error in the Memorandum Opinion.

DATED: Honolulu, Hawai'i, May 17, 2019.


Chief Judge


Associate Judge


Associate Judge

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

Electronically Filed
Intermediate Court of Appeals
CAAP-18-0000584
17-MAY-2019
10:45 AM

NOS. CAAP-16-0000162 AND CAAP-16-0000163

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

CAAP-16-0000162

JASON HESTER, Overseer of the Office of Overseer,
a corporate sole and his successors, over/for the Popular
Assembly of Revitalize, a Gospel of Believers,
Plaintiff/Counterclaim Defendant/Appellee,

v.

LEONARD G. HOROWITZ and THE ROYAL BLOODLINE OF DAVID,
Defendants-Counterclaim-Plaintiffs/Appellants,

and

JACQUELINE LINDENBACH HOROWITZ,
Defendant/Counterclaim-Plaintiff/Appellee,

and

PHILIP MAISE, Intervenor-Appellee,

and

JOHN DOES 1-10, JANE DOES 1-10, DOE ENTITIES 1-10, DOE
PARTNERSHIPS 1-10, DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 05-1-0196)

CAAP-16-0000163

JASON HESTER, an individual,
Plaintiff/Counterclaim-Defendants/Appellee,

v.

LEONARD G. HOROWITZ, an individual and
SHERRI KANE, an individual
Defendants/Counterclaim-Plaintiffs/Appellants,

and

THE ROYAL BLOODLINE OF DAVID,
a Washington Corporation Sole,
Defendant/Appellant,

and

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

MEDICAL VERITAS INTERNATIONAL, INC., a California
non-profit corporation, JOHN DOES 1-10, JANE DOES 1-10,
DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10,
DOE ENTITIES 1-10 and DOE GOVERNMENTAL UNITS 1-10,
Defendants

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 14-1-0304)

CAAP-18-0000584

JASON HESTER, Petitioner-Appellee, v.
LEONARD G. HOROWITZ, Respondent-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CIVIL NO. 17-1-0407)

ORDER OF CORRECTION

(By: Ginoza, Chief Judge, for the court¹)

The Memorandum Opinion of the Court filed May 2, 2019,
is hereby corrected as follows:

1. At page 13, second sentence of the last paragraph,
change "John" to "Jason" so as corrected the sentence will read
as follows:

The Mortgagee's Affidavit of Foreclosure Under Power of
Sale recorded on May 11, 2010, states that the subject
property was sold at public sale to "Jason Hester,
Overseer [for Revitalize] for \$175,000.00, which was
the highest bid at said sale."

The clerk of the court is directed to take all
necessary steps to notify the publishing agencies of these
changes.

DATED: Honolulu, Hawai'i, May 17, 2019.

FOR THE COURT:

John M. Ginoza
Chief Judge

¹ Ginoza, Chief Judge, Fujise and Leonard, JJ.

I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances.

Nickie Ann Thompson
Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii



R-591 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
JAN 23, 2004 08:01 AM
Doc No(s) 2004-014440



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES
CONVEYANCE TAX: \$550.00

20 3/4 Z2

LAND COURT SYSTEM

REGULAR SYSTEM

Return by: MAIL (X) PICKUP () TO:

The Royal Bloodline of David

P.O. Box 1739

Newport, Washington 99156

ITC

ESCROW NO.: 302-00225945-BJI
Brenda Ioane

THIS DOCUMENT CONTAINS 7 PAGES

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

GRANTOR: LORAN LEE, also known as C. Loran Lee, single, whose mailing address
is 13-3775 Kalapana Highway, Pahoa, Hawaii 96778

GRANTEE: THE ROYAL BLOODLINE OF DAVID, a Washington nonprofit
corporation, whose mailing address is P. O. Box 1739, Newport,
Washington 99156

TAX MAP KEY (3) 1-3-001:049 and :043

PKK/ITC2003.DED/11-6-03

EX **Exhibit 3**

Removal Exhibits pg. 26

KNOW ALL MEN BY THESE PRESENTS:

TOGETHER WITH ALL and singular the buildings, improvements, rights, tenements, hereditaments, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed in connection therewith.

AND THE SAID GRANTOR does hereby covenant with the Grantee that the Grantor is lawfully seised in fee simple of said granted premises and that the said premises are free and clear of all encumbrances except as aforesaid, and except for assessments for real property taxes not yet due. And the said Grantor further covenants and agrees that the Grantor has good right to sell and convey the said premises in the manner aforesaid; that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.


2

for in the sales contract and any and all addenda thereto. The terms of said "AS IS" provisions are incorporated herein by reference and shall survive closing.

IT IS MUTUALLY AGREED that the terms "Grantor" and "Grantee", as and when used hereinabove or hereinbelow shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations or partnerships, and their and each of their respective successors in interest, heirs, executors, personal representatives, administrators and permitted assigns, according to the context thereof, and that if these presents shall be signed by two or more grantors, or by two or more grantees, all covenants of such parties shall be and for all purposes deemed to be their joint and several covenants.

The parties agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and the counterparts shall together constitute one and the same instrument, binding all parties notwithstanding that all of the parties are not signatory to the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, this instrument has been executed by the undersigned on this 15th day of JANUARY, 2004. 408 N. OSEER bnp


LORAN LEE A.K.A C. LORAN LEE

THE ROYAL BLOODLINE OF DAVID,
a Washington nonprofit corporation

APPROVED AS TO FORM
PETER K. KUBOTA
ATTORNEY AT LAW

By 
LEONARD GEORGE HOROWITZ,
Its Overseer

BY _____
11-7-03

EXHIBIT A

ITEM I:

LOT 15-D

A Portion of Lot 15

Grant 5005 to J. B. Elderts

Kamaili Homesteads, Puna, Island and County of Hawaii, State of Hawaii

BEGINNING at a pipe at the West corner of this parcel of land at the North boundary of Lot 2, Grant 4330 to C. L. Wight and on the East side of Pahoa - Kalapana Road (Emergency Relief Project No. BR 4(1)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIHEIAHULU" being 6,281.64 feet North and 16,203.34 feet East and running by azimuths measured clockwise from True South:

1. 197° 55' 15" 958.02 feet along Pahoa-Kalapana Road (Emergency Relief Project No. ER 4(1)) to a pipe;
2. 239° 28' 30" 326.15 feet along Lot 19, Grant 5651 to Chas. Elderts to a pipe;
3. 304° 03' 30" 337.89 feet along Lot 19, Grant 5651 to Chas. Elderts, and Grant 5151 to J. B. Elderts to a pipe;

Thence along a 1016.74 feet radius curve to the right the direct chord azimuth and distance being:

4. 14° 14' 56" 915.04 feet along West side of the old Pahoa-Kalapana Road;
5. 40° 59' 30" 275.69 feet along same to a pipe;
6. 114° 43' 30" 494.98 feet along Lot 2, Grant 4330 to C. L. Wight to the point of beginning and containing an area of 16.55 acres, more or less.

Being the land conveyed to Loran Lee, single, by Deed dated November 3, 2000, recorded in the Bureau of Conveyances, State of Hawaii, as Document No. 2001-189329.

ITEM II:

That certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant Number 5005 to J. B. Elderts) situate, lying and being at Puna, Island and County of Hawaii, State of Hawaii, being LOT 15-A, portion of Lot 15, of the Kamaili Homesteads, being more particularly described as follows:

Beginning at the north corner of this parcel of land at the northwest corner of Lot 15-B and on the easterly side of old (abandoned) Pahoa-Kalapana Road the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIHIAHULU" being 6,270.75 feet north and 16,889.17 feet east and running by azimuths measured clockwise from true South:

1. 307° 30' 212.10 feet along Lot 15-B;
2. 37° 30' 235.90 feet along same;
3. 114° 43' 30" 235.14 feet along Grant 4330 to C. L. Wright;
4. 220° 59' 30" 261.10 feet along easterly side of old (abandoned) Pahoa-Kalapana Road;

Thence along a 1066.74 feet radius curve to the left, the chord azimuth and distance being:

5. 220° 15' 30" 27.31 feet along same to the point of beginning and containing an area of 1.32 acres, more or less.

Being the land conveyed to Loran Lee, by Deed dated November 23, 1999, recorded in the Bureau of Conveyances, State of Hawaii, as Document No. 2000-030528.

SUBJECT, HOWEVER, TO:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.
2. AS TO ITEM I:-

As to the road remnant within the land herein described:

- a. Reservation in favor of the State of Hawaii of all minerals and metallic mines of every description, including all geothermal rights.
- b. Reservation of the rights of native tenants.
- c. The State of Hawaii's and the public's right of access through government roads, namely the "Pahoa-Kalapana Road", a government road under the jurisdiction of the County of Hawaii, shall be protected and not restricted.
- d. Reservation in favor of the State of Hawaii of all right, title, interest or claim to water having its source upon or flowing over or under the subject property.
- e. Reservation in favor of the State of Hawaii of all easements or rights in the nature of easements for the free flowage of surface water through and across any stream and/or established water course upon the subject property.

3. AS TO ITEM II:-

The property does not appear to have access of record to any public street, road or highway.

END OF EXHIBIT A

Removal Exhibits pg. 30

SURETY

4087
QUITCLAIM DEEDSTATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

July 11, 2012 1:00 PM

Doc No(s) A-45750676

1 2 / 2
B-32081676

CGG

Conveyance Tax: \$0.00

/s/ NICKI ANN THOMPSON
REGISTRAR

FILED FOR RECORD AT REQUEST OF Leonard G. Horowitz
WHEN RECORDED RETURN TO:
Leonard G. Horowitz
13-3775 Kalapana Highway
Pahoa, HI 96778

THE GRANTOR, THE ROYAL BLOODLINE OF DAVID, a Washington State Corporation Sole (non-profit ministry), represented by the "Body Corporate," Leonard G. Horowitz, Presiding Patriarch and Overseer for THE ROYAL BLOODLINE OF DAVID; for and in consideration of One Dollar, Love and faith, conveys and Quitclaims to the GRANTEE, Leonard G. Horowitz and Sherri Kane, residents at 13-3775 Kalapana Highway, Pahoa, HI 96778, the following described real estate, situated at 13-3775 Kalapana Highway, Pahoa, HI 96778, in the County of Hawaii, State of Hawaii, together with all after acquired title of the Grantor(s) therein (as per): Tax Parcel Numbers: 1-3-1-43 and 1-3-1-49, Island and County of Hawaii, Area Assessed: 1.320 acres and 16.550 acres, respectively, more or less. (As per Warranty Deed filed 1-23-04, between LORAN LEE Grantor and THE ROYAL BLOODLINE OF DAVID, Grantee, Exhibit A.)

DATED: June 28, 2012
THE ROYAL BLOODLINE OF DAVID
By: Leonard G. Horowitz, Overseer

The Royal Bloodline of David
By: Leonard G. Horowitz, Overseer
Grantor, THE ROYAL BLOODLINE OF DAVID
By: Leonard G. Horowitz, Overseer

DATED: June 28, 2012
Leonard G. Horowitz and Sherri Kane

Leonard G. Horowitz
Sherri Kane
Grantees, Leonard G. Horowitz and Sherri Kane

State of Hawaii }
City and County of Honolulu } ss
}

On this day personally appeared before me Leonard G. Horowitz, the body corporate and Presiding Patriarch of THE ROYAL BLOODLINE OF DAVID, a non-profit corporation sole, Grantor(s), and Sherri Kane, Co-Grantee with the person of Leonard G. Horowitz, to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that s/he signed the same as his/her free and voluntary act deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9th day of July, 2012.

Joanne M.L. Chun
NOTARY PUBLIC in and for the State of Hawaii
Residing at Honolulu, Hawaii
My commission expires 05-09-2016
Joanne M.L. Chun

Exhibit 4

Doc. Date: 6-28-12 @ Page: 11
Joanne M.L. Chun First Circuit
Doc. Description: Quitclaim Deed
Tax Parcel #: 1-3-1-43 & 1-3-1-49
Removal Exhibits pg. 31

Joanne M.L. Chun 7-9-12
Notary Signature Date
NOTARY CERTIFICATION

EXHIBIT A

ITEM I:

LOT 15-D

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Grant 5005 to J. E. Elderts

Kamaili Homesteads, Puna, Island and County of Hawaii, State of Hawaii

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3. 304° 03' 30" 337.89 feet along Lot 19, Grant 5651 to Chas. Elderts, and Grant 5151 to J. E. Elderts to a pipe;

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6. 114° 43' 30" 494.98 feet along Lot 2, Grant 4330 to C. L. Wight to the point of beginning and containing an area of 16.55 acres, more or less.

Being the land conveyed to The Royal Bloodline of David, a Washington nonprofit corporation, by Warranty Deed dated _____, recorded in the Bureau of Conveyances, State of Hawaii, as Document No. _____.

ITEM II:

That certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant Number 5005 to J. E. Elderts) situate, lying and being at Puna, Island and County of Hawaii, State of Hawaii, being LOT 15-A, portion of Lot 15, of the Kamaili Homesteads, being more particularly described as follows:

Removal Exhibits pg. 32

Beginning at the north corner of this parcel of land at the northwest corner of Lot 15-B and on the easterly side of old (abandoned) Pahoa-Kalapana Road the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIHEIAHULU" being 6,270.75 feet north and 16,889.17 feet east and running by azimuths measured clockwise from true South:

1. 307° 30' 212.10 feet along Lot 15-B;
2. 37° 30' 235.90 feet along same;
3. 114° 43' 30" 235.14 feet along Grant 4330 to C. L. Wright;
4. 220° 59' 30" 261.10 feet along easterly side of old (abandoned) Pahoa-Kalapana Road;

Thence along a 1066.74 feet radius curve to the left, the chord azimuth and distance being:

5. 220° 15' 30" 27.31 feet along same to the point of beginning and containing an area of 1.32 acres, more or less.

Being the land conveyed to Loran Lee, by Deed dated November 23, 1999, recorded in the Bureau of Conveyances, State of Hawaii, as Document No. 2000-030528,

SUBJECT, HOWEVER, TO:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.
2. AS TO ITEM I:-

As to the road remnant within the land herein described:

- a. Reservation in favor of the State of Hawaii of all minerals and metallic mines of every description, including all geothermal rights.
- b. Reservation of the rights of native tenants.
- c. The State of Hawaii's and the public's right of access through government roads, namely the "Pahoa-Kalapana Road", a government road under the jurisdiction of the County of Hawaii, shall be protected and not restricted.
- d. Reservation in favor of the State of Hawaii of all right, title, interest or claim to water having its source upon or flowing over or under the subject property.
- e. Reservation in favor of the State of Hawaii of all easements or rights in the nature of easements for the free flowage of surface water through and across any stream and/or established water course upon the subject property.

3. AS TO ITEM II:-

The property does not appear to have access of record to any public street, road or highway.

END OF EXHIBIT A

Harry Kim
Mayor



Deanna S. Sako
Finance Director

County of Hawai'i

Nancy Crawford
Deputy Finance Director

DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi Street • Suite No. 4 • Hilo, Hawai'i 96720 • Fax (808) 961-8415
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880

February 13, 2018

Mr. Paul J Sulla, Manager
Halai Heights LLC
PO Box 5258
Hilo, HI 96720

Re: TMK: 1-3-001-049-0000

Mr. Sulla,

After review of the documents recorded on the parcel noted above, there was a discrepancy in ownership due to an exchange deed the County of Hawaii had completed with the prior owner of record. During the review, the Real Property Tax Office concluded 36,140 square feet was not included in the original legal description which was foreclosed on (which ultimately resulted in Halai Heights receiving ownership).

As a result of the research conducted, a separate tax map key number has been issued for this area. The new TMK # for this 36,140 square feet is 1-3-001-095-0000, owner of record is the Royal Bloodline of David (original owner per exchange deed). To further complicate matters, the taxes for tax years 2010 through 2017 were paid by the following individuals:

Halai Heights (paid in 2016 & 2017) totaling: \$24,878.71

Medical Veritas/Leonard Horowitz/Sherri Kane (paid in 2013 thru 2017) totaling: \$13,100.00

I apologize for any inconvenience and can only recommend that you make contact with the title company or company that assisted with the transaction/legal description of the warranty deed from Jason Hester to Halai Heights LLC as it appears Jason Hester did not have clear title to the legal description utilized in this document.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Miura'.

Lisa Miura
Assistant Real Property Administrator

Exhibit 5

Removal Exhibits pg. 34